



Rep. Daniel J. Burke

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LRB099 09420 RLC 33054 a

1 AMENDMENT TO HOUSE BILL 3632

2 AMENDMENT NO. _____. Amend House Bill 3632 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Compassionate Use of Medical Cannabis Pilot
5 Program Act is amended by changing Section 10 as follows:

6 (410 ILCS 130/10)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 10. Definitions. The following terms, as used in this
9 Act, shall have the meanings set forth in this Section:

10 (a) "Adequate supply" means:

11 (1) 2.5 ounces of usable cannabis during a period of 14
12 days and that is derived solely from an intrastate source.

13 (2) Subject to the rules of the Department of Public
14 Health, a patient may apply for a waiver where a physician
15 provides a substantial medical basis in a signed, written
16 statement asserting that, based on the patient's medical

1 history, in the physician's professional judgment, 2.5
2 ounces is an insufficient adequate supply for a 14-day
3 period to properly alleviate the patient's debilitating
4 medical condition or symptoms associated with the
5 debilitating medical condition.

6 (3) This subsection may not be construed to authorize
7 the possession of more than 2.5 ounces at any time without
8 authority from the Department of Public Health.

9 (4) The pre-mixed weight of medical cannabis used in
10 making a cannabis infused product shall apply toward the
11 limit on the total amount of medical cannabis a registered
12 qualifying patient may possess at any one time.

13 (b) "Cannabis" has the meaning given to "cannabis" and
14 "hash oil" ~~that term~~ in Section 3 of the Cannabis Control Act.

15 (c) "Cannabis plant monitoring system" means a system that
16 includes, but is not limited to, testing and data collection
17 established and maintained by the registered cultivation
18 center and available to the Department for the purposes of
19 documenting each cannabis plant and for monitoring plant
20 development throughout the life cycle of a cannabis plant
21 cultivated for the intended use by a qualifying patient from
22 seed planting to final packaging.

23 (d) "Cardholder" means a qualifying patient or a designated
24 caregiver who has been issued and possesses a valid registry
25 identification card by the Department of Public Health.

26 (e) "Cultivation center" means a facility operated by an

1 organization or business that is registered by the Department
2 of Agriculture to perform necessary activities to provide only
3 registered medical cannabis dispensing organizations with
4 usable medical cannabis.

5 (f) "Cultivation center agent" means a principal officer,
6 board member, employee, or agent of a registered cultivation
7 center who is 21 years of age or older and has not been
8 convicted of an excluded offense.

9 (g) "Cultivation center agent identification card" means a
10 document issued by the Department of Agriculture that
11 identifies a person as a cultivation center agent.

12 (h) "Debilitating medical condition" means one or more of
13 the following:

14 (1) cancer, glaucoma, positive status for human
15 immunodeficiency virus, acquired immune deficiency
16 syndrome, hepatitis C, amyotrophic lateral sclerosis,
17 Crohn's disease, agitation of Alzheimer's disease,
18 cachexia/wasting syndrome, muscular dystrophy, severe
19 fibromyalgia, spinal cord disease, including but not
20 limited to arachnoiditis, Tarlov cysts, hydromyelia,
21 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
22 spinal cord injury, traumatic brain injury and
23 post-concussion syndrome, Multiple Sclerosis,
24 Arnold-Chiari malformation and Syringomyelia,
25 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
26 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD

1 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
2 (Complex Regional Pain Syndromes Type II),
3 Neurofibromatosis, Chronic Inflammatory Demyelinating
4 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
5 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
6 syndrome, residual limb pain, seizures (including those
7 characteristic of epilepsy), or the treatment of these
8 conditions; or

9 (2) any other debilitating medical condition or its
10 treatment that is added by the Department of Public Health
11 by rule as provided in Section 45.

12 (i) "Designated caregiver" means a person who: (1) is at
13 least 21 years of age; (2) has agreed to assist with a
14 patient's medical use of cannabis; (3) has not been convicted
15 of an excluded offense; and (4) assists no more than one
16 registered qualifying patient with his or her medical use of
17 cannabis.

18 (j) "Dispensing organization agent identification card"
19 means a document issued by the Department of Financial and
20 Professional Regulation that identifies a person as a medical
21 cannabis dispensing organization agent.

22 (k) "Enclosed, locked facility" means a room, greenhouse,
23 building, or other enclosed area equipped with locks or other
24 security devices that permit access only by a cultivation
25 center's agents or a dispensing organization's agent working
26 for the registered cultivation center or the registered

1 dispensing organization to cultivate, store, and distribute
2 cannabis for registered qualifying patients.

3 (1) "Excluded offense" means:

4 (1) a violent crime defined in Section 3 of the Rights
5 of Crime Victims and Witnesses Act or a substantially
6 similar offense that was classified as a felony in the
7 jurisdiction where the person was convicted; or

8 (2) a violation of a state or federal controlled
9 substance law that was classified as a felony in the
10 jurisdiction where the person was convicted, except that
11 the registering Department may waive this restriction if
12 the person demonstrates to the registering Department's
13 satisfaction that his or her conviction was for the
14 possession, cultivation, transfer, or delivery of a
15 reasonable amount of cannabis intended for medical use.
16 This exception does not apply if the conviction was under
17 state law and involved a violation of an existing medical
18 cannabis law.

19 (m) "Medical cannabis cultivation center registration"
20 means a registration issued by the Department of Agriculture.

21 (n) "Medical cannabis container" means a sealed,
22 traceable, food compliant, tamper resistant, tamper evident
23 container, or package used for the purpose of containment of
24 medical cannabis from a cultivation center to a dispensing
25 organization.

26 (o) "Medical cannabis dispensing organization", or

1 "dispensing organization", or "dispensary organization" means
2 a facility operated by an organization or business that is
3 registered by the Department of Financial and Professional
4 Regulation to acquire medical cannabis from a registered
5 cultivation center for the purpose of dispensing cannabis,
6 paraphernalia, or related supplies and educational materials
7 to registered qualifying patients.

8 (p) "Medical cannabis dispensing organization agent" or
9 "dispensing organization agent" means a principal officer,
10 board member, employee, or agent of a registered medical
11 cannabis dispensing organization who is 21 years of age or
12 older and has not been convicted of an excluded offense.

13 (q) "Medical cannabis infused product" means food, oils,
14 ointments, or other products containing usable cannabis that
15 are not smoked.

16 (r) "Medical use" means the acquisition; administration;
17 delivery; possession; transfer; transportation; or use of
18 cannabis to treat or alleviate a registered qualifying
19 patient's debilitating medical condition or symptoms
20 associated with the patient's debilitating medical condition.

21 (s) "Physician" means a doctor of medicine or doctor of
22 osteopathy licensed under the Medical Practice Act of 1987 to
23 practice medicine and who has a controlled substances license
24 under Article III of the Illinois Controlled Substances Act. It
25 does not include a licensed practitioner under any other Act
26 including but not limited to the Illinois Dental Practice Act.

1 (t) "Qualifying patient" means a person who has been
2 diagnosed by a physician as having a debilitating medical
3 condition.

4 (u) "Registered" means licensed, permitted, or otherwise
5 certified by the Department of Agriculture, Department of
6 Public Health, or Department of Financial and Professional
7 Regulation.

8 (v) "Registry identification card" means a document issued
9 by the Department of Public Health that identifies a person as
10 a registered qualifying patient or registered designated
11 caregiver.

12 (w) "Usable cannabis" means the seeds, leaves, buds, and
13 flowers of the cannabis plant and any mixture or preparation
14 thereof, but does not include the stalks, and roots of the
15 plant. It does not include the weight of any non-cannabis
16 ingredients combined with cannabis, such as ingredients added
17 to prepare a topical administration, food, or drink.

18 (x) "Verification system" means a Web-based system
19 established and maintained by the Department of Public Health
20 that is available to the Department of Agriculture, the
21 Department of Financial and Professional Regulation, law
22 enforcement personnel, and registered medical cannabis
23 dispensing organization agents on a 24-hour basis for the
24 verification of registry identification cards, the tracking of
25 delivery of medical cannabis to medical cannabis dispensing
26 organizations, and the tracking of the date of sale, amount,

1 and price of medical cannabis purchased by a registered
2 qualifying patient.

3 (y) "Written certification" means a document dated and
4 signed by a physician, stating (1) that in the physician's
5 professional opinion the patient is likely to receive
6 therapeutic or palliative benefit from the medical use of
7 cannabis to treat or alleviate the patient's debilitating
8 medical condition or symptoms associated with the debilitating
9 medical condition; (2) that the qualifying patient has a
10 debilitating medical condition and specifying the debilitating
11 medical condition the qualifying patient has; and (3) that the
12 patient is under the physician's care for the debilitating
13 medical condition. A written certification shall be made only
14 in the course of a bona fide physician-patient relationship,
15 after the physician has completed an assessment of the
16 qualifying patient's medical history, reviewed relevant
17 records related to the patient's debilitating condition, and
18 conducted a physical examination.

19 A veteran who has received treatment at a VA hospital shall
20 be deemed to have a bona fide physician-patient relationship
21 with a VA physician if the patient has been seen for his or her
22 debilitating medical condition at the VA Hospital in accordance
23 with VA Hospital protocols.

24 A bona fide physician-patient relationship under this
25 subsection is a privileged communication within the meaning of
26 Section 8-802 of the Code of Civil Procedure.

1 (Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15.)

2 Section 10. The Cannabis Control Act is amended by changing
3 Sections 3 and 5 and by adding Section 5.05 as follows:

4 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

5 Sec. 3. As used in this Act, unless the context otherwise
6 requires:

7 (a) "Cannabis" includes marihuana, hashish and other
8 substances which are identified as including any parts of the
9 plant Cannabis Sativa, whether growing or not; the seeds
10 thereof, the resin extracted from any part of such plant; and
11 any compound, manufacture, salt, derivative, mixture, or
12 preparation of such plant, its seeds, or resin, including
13 tetrahydrocannabinol (THC) and all other cannabinal
14 derivatives, including its naturally occurring or
15 synthetically produced ingredients, whether produced directly
16 or indirectly by extraction, or independently by means of
17 chemical synthesis or by a combination of extraction and
18 chemical synthesis; but shall not include the mature stalks of
19 such plant, fiber produced from such stalks, oil or cake made
20 from the seeds of such plant, any other compound, manufacture,
21 salt, derivative, mixture, or preparation of such mature stalks
22 (except the resin extracted therefrom), fiber, oil or cake, or
23 the sterilized seed of such plant which is incapable of
24 germination.

1 (b) "Casual delivery" means the delivery of not more than
2 10 grams of any substance containing cannabis without
3 consideration.

4 (c) "Department" means the Illinois Department of Human
5 Services (as successor to the Department of Alcoholism and
6 Substance Abuse) or its successor agency.

7 (d) "Deliver" or "delivery" means the actual, constructive
8 or attempted transfer of possession of cannabis, with or
9 without consideration, whether or not there is an agency
10 relationship.

11 (e) "Department of State Police" means the Department of
12 State Police of the State of Illinois or its successor agency.

13 (f) "Director" means the Director of the Department of
14 State Police or his designated agent.

15 (f-1) "Hash oil" means the resin extracted from a part of
16 the plant Cannabis Sativa or a compound, manufacture, salt,
17 derivative, mixture, or preparation of the resin.

18 (g) "Local authorities" means a duly organized State,
19 county, or municipal peace unit or police force.

20 (h) "Manufacture" means the production, preparation,
21 propagation, compounding, conversion or processing of
22 cannabis, either directly or indirectly, by extraction from
23 substances of natural origin, or independently by means of
24 chemical synthesis, or by a combination of extraction and
25 chemical synthesis, and includes any packaging or repackaging
26 of cannabis or labeling of its container, except that this term

1 does not include the preparation, compounding, packaging, or
2 labeling of cannabis as an incident to lawful research,
3 teaching, or chemical analysis and not for sale.

4 (i) "Person" means any individual, corporation, government
5 or governmental subdivision or agency, business trust, estate,
6 trust, partnership or association, or any other entity.

7 (j) "Produce" or "production" means planting, cultivating,
8 tending or harvesting.

9 (k) "State" includes the State of Illinois and any state,
10 district, commonwealth, territory, insular possession thereof,
11 and any area subject to the legal authority of the United
12 States of America.

13 (l) "Subsequent offense" means an offense under this Act,
14 the offender of which, prior to his conviction of the offense,
15 has at any time been convicted under this Act or under any laws
16 of the United States or of any state relating to cannabis, or
17 any controlled substance as defined in the Illinois Controlled
18 Substances Act.

19 (Source: P.A. 89-507, eff. 7-1-97.)

20 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

21 Sec. 5. It is unlawful for any person knowingly to
22 manufacture, deliver, or possess with intent to deliver, or
23 manufacture, cannabis, other than hash oil. Any person who
24 violates this section with respect to:

25 (a) not more than 2.5 grams of any substance containing

1 cannabis, other than hash oil, is guilty of a Class B
2 misdemeanor;

3 (b) more than 2.5 grams but not more than 10 grams of any
4 substance containing cannabis, other than hash oil, is guilty
5 of a Class A misdemeanor;

6 (c) more than 10 grams but not more than 30 grams of any
7 substance containing cannabis, other than hash oil, is guilty
8 of a Class 4 felony;

9 (d) more than 30 grams but not more than 500 grams of any
10 substance containing cannabis, other than hash oil, is guilty
11 of a Class 3 felony for which a fine not to exceed \$50,000 may
12 be imposed;

13 (e) more than 500 grams but not more than 2,000 grams of
14 any substance containing cannabis, other than hash oil, is
15 guilty of a Class 2 felony for which a fine not to exceed
16 \$100,000 may be imposed;

17 (f) more than 2,000 grams but not more than 5,000 grams of
18 any substance containing cannabis, other than hash oil, is
19 guilty of a Class 1 felony for which a fine not to exceed
20 \$150,000 may be imposed;

21 (g) more than 5,000 grams of any substance containing
22 cannabis, other than hash oil, is guilty of a Class X felony
23 for which a fine not to exceed \$200,000 may be imposed.

24 (Source: P.A. 90-397, eff. 8-15-97.)

1 Sec. 5.05. Manufacture, delivery, or possession with
2 intent to manufacture or deliver hash oil.

3 (a) It is unlawful for any person knowingly to manufacture,
4 deliver, or possess with intent to deliver or manufacture, hash
5 oil. Except as otherwise provided in subsection (b) of this
6 Section, any person who violates this Section with respect to:

7 (1) not more than 1 gram of any substance containing
8 hash oil is guilty of a Class 3 felony;

9 (2) more than 1 gram but not more than 4 grams of any
10 substance containing hash oil is guilty of a Class 2
11 felony;

12 (3) more than 4 grams but not more than 400 grams of
13 any substance containing hash oil is guilty of a Class 1
14 felony;

15 (4) more than 400 grams of any substance containing
16 hash oil is guilty of a Class X felony.

17 (b) Any person who violates subsection (a) of this Section
18 with respect to:

19 (1) not more than 100 grams of any substance containing
20 hash oil that also contains flour, a flour substitute, or a
21 baking mix, is a Class 3 felony;

22 (2) more than 100 grams but not more than 400 grams of
23 any substance containing hash oil that also contains flour,
24 a flour substitute, or a baking mix, is guilty of a Class 2
25 felony;

26 (3) more than 400 grams but not more than 1,600 grams

1 of any substance containing hash oil that also contains
2 flour, a flour substitute, or a baking mix, is guilty of a
3 Class 1 felony;

4 (4) more than 1,600 grams of any substance containing
5 hash oil that also contains flour, a flour substitute, or a
6 baking mix, is guilty of a Class X felony."